

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

NOT FOR PUBLICATION

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ANGELO K. BROWN,

Plaintiff,

-against-

MEMORANDUM & ORDER

16-CV-3627 (WFK)

DR. BORECKY; OFFICER NUNEZ; WARDEN
QUAY; OFFICER BRADWICH; OFFICER
BEVERLY TIMOTHY,

Defendants.

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WILLIAM F. KUNTZ, II, United States District Judge:

On June 22, 2016, plaintiff Angelo K. Brown filed this *pro se* action against the Metropolitan Detention Center ("MDC") in Brooklyn, New York. By order dated July 25, 2016, the Court liberally construed the action as alleging a claim for deliberate indifference to his medical needs or other possible violations of his constitutional rights under the Eighth or Fourteenth Amendments, *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971), but dismissed the action against MDC for failure to state a claim on which relief may be granted. On August 12, 2016, upon the direction of the Court, plaintiff submitted an amended complaint that provided the names of the individuals responsible for the alleged violations, but did not comply with Federal Rule of Civil Procedure 8 and did not state a claim on which relief may be granted. By order dated August 31, 2016, the Court dismissed the amended complaint for failure to state a claim on which relief may be granted, but afforded plaintiff leave to submit a second amended complaint within thirty (30) days. The Order further stated that if plaintiff failed "to comply with this Order within the time allowed, judgment dismissing this action shall enter." Plaintiff has not responded to the Court's Order granting him leave to file a second amended complaint and the time for doing so has passed.

Accordingly, the action is hereby dismissed. The court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of any appeal. *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962). The Clerk of Court is directed to enter judgment and close this case.

SO ORDERED

s/ WFK

WILLIAM F. KUNTZ, II
United States District Judge

Dated: Brooklyn, New York
October 7, 2016